BEST COPY
AVAILABLE

MONTANA LEGISLATIVE HISTORY

Chapter 510 19 89

Bill H 630 S _____ Original bill & history ____C

H. Committee on Local Government		S. Committee on Local Government	
Hearing Date(s) Feb 14	✓C	Hearing Date(s) Mar 14	✓C
Feb 16	✓C	Mar 21	✓C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Feb 17	✓C	Mar 22	✓C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

2/22 FISCAL NOTE PRINTED
3/20 TABLED IN COMMITTEE

HB 628 INTRODUCED BY SIMON
EXCLUDE OUTSIDE SALESMEN FROM THE STATE OVERTIME COMPENSATION LAWS

2/09 INTRODUCED
2/10 REFERRED TO LABOR & EMPLOYMENT RELATIONS
2/14 HEARING
2/14 TABLED IN COMMITTEE

HB 629 INTRODUCED BY GRADY
PROVIDE POSSESSOR LIEN ON MOBILE HOMES FOR UNPAID RENT

2/10 INTRODUCED
2/10 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT
2/17 HEARING
2/18 COMMITTEE REPORT--BILL NOT PASSED AS AMENDED
2/20 ADVERSE COMMITTEE REPORT ADOPTED 91 6

HB 630 INTRODUCED BY KOEHNKE
REVISE LAW RELATING TO PAYMENT OF SERVICE CHARGES FOR REFUSE DISPOSAL DISTRICT FEES FOR MOBILE HOME PARKS

2/10 INTRODUCED
2/10 REFERRED TO LOCAL GOVERNMENT
2/14 HEARING
2/14 TABLED IN COMMITTEE
2/16 TAKEN FROM TABLE BY COMMITTEE
2/17 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/20 2ND READING PASSED 63 33
2/21 3RD READING PASSED 73 24

TRANSMITTED TO SENATE
2/28 REFERRED TO LOCAL GOVERNMENT
3/14 HEARING
3/23 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
3/28 2ND READING CONCURRED 50 0
3/29 3RD READING CONCURRED 44 5

RETURNED TO HOUSE WITH AMENDMENTS
3/31 2ND READING AMENDMENTS CONCURRED 88 6
4/01 3RD READING AMENDMENTS CONCURRED 86 7
4/06 SIGNED BY SPEAKER
4/07 SIGNED BY PRESIDENT
4/07 TRANSMITTED TO GOVERNOR
4/12 SIGNED BY GOVERNOR
CHAPTER NUMBER 510 EFFECTIVE DATE: 7/01/89

HB 631 INTRODUCED BY GERVAIS, ET AL.
ALLOW ADOPTED NATIVE AMERICAN PERSON TO INHERIT FROM NATURAL PARENTS

2/10 INTRODUCED
2/10 REFERRED TO HUMAN SERVICES & AGING
2/13 HEARING
2/16 COMMITTEE REPORT--BILL PASSED

HOUSE BILL NO. 630

INTRODUCED BY Boharski

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO THE DETERMINATION OF SERVICE CHARGES FOR REFUSE DISPOSAL DISTRICT FEES FOR MOBILE HOME PARKS; BASING THE FEE ON EACH OCCUPIED MOBILE HOME SPACE; REQUIRING THE LESSEE OF THE SPACE TO PAY THE FEE; AMENDING SECTION 7-13-232, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-13-232, MCA, is amended to read:

"**7-13-232. Determination of service charge.** (1) ~~The~~ Except as provided in subsection (2), fees shall be based upon a family residential unit, and fees for commercial and industrial accounts shall be based on the comparison with a typical residential unit as to volume and type of waste produced.

(2) In a mobile home park, the fee shall be based upon each occupied mobile home space and shall be paid by the individual lessee of the space.

~~(2)~~(3) In no case shall the fee for disposal service exceed one-half the total fee for both collection and disposal services."

NEW SECTION. **Section 2.** Effective date. [This act] is effective July 1, 1989.

-End-

LC 1186/01

INTRODUCED BILL
HB630

HOUSE BILL NO. 630

INTRODUCED BY KOEHNKE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO THE DETERMINATION OF SERVICE CHARGES FOR REFUSE DISPOSAL DISTRICT FEES FOR MOBILE HOME PARKS; BASING THE FEE ON ~~EACH--OCCUPIED-MOBILE-HOME-SPACE~~ THE NUMBER OF MOBILE HOME SPACES OCCUPIED ON JANUARY 1; ~~REQUIRING-THE-LESSEE-OF THE-SPACE-TO-PAY-THE-FEE;~~ AMENDING SECTION 7-13-232, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-13-232, MCA, is amended to read:

"7-13-232. Determination of service charge. (1) ~~The~~ Except as provided in subsection (2), fees shall be based upon a family residential unit, and fees for commercial and industrial accounts shall be based on the comparison with a typical residential unit as to volume and type of waste produced.

~~(2) In-a-mobile-home-park,-the-fee-shall-be-based-upon each---occupied--mobile--home-space-and-shall-be-paid-by-the individual-lessee-of-the-space.~~ FEES FOR MOBILE HOME PARK ACCOUNTS SHALL BE BASED UPON THE NUMBER OF MOBILE HOME SPACES OCCUPIED ON JANUARY 1.

~~(2)~~(3) In no case shall the fee for disposal service exceed one-half the total fee for both collection and disposal services."

NEW SECTION. **Section 2.** Effective date. [This act] is effective July 1, 1989.

-End-

THIRD READING

HB 0630/02

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 630

INTRODUCED BY KOEHNKE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO THE DETERMINATION OF SERVICE CHARGES FOR REFUSE DISPOSAL DISTRICT FEES FOR MOBILE HOME PARKS; BASING THE FEE ON ~~EACH--OCCUPIED-MOBILE-HOME-SPACE~~ THE NUMBER OF MOBILE HOME SPACES OCCUPIED ON JANUARY 1; ~~REQUIRING-THE-LESSEE-OF-THE-SPACE-TO-PAY-THE-FEE;~~ AMENDING SECTION 7-13-232, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-13-232, MCA, is amended to read:

"**7-13-232. Determination of service charge.** (1) ~~The~~ Except as provided in subsection (2), fees shall be based upon a family residential unit, and fees for commercial and industrial accounts shall be based on the comparison with a typical residential unit as to volume and type of waste produced.

(2) ~~In-a-mobile-home-park,-the-fee-shall-be-based-upon each---occupied--mobile--home-space-and-shall-be-paid-by-the individual-lessee-of-the-space.~~ FEES FOR MOBILE HOME PARK ACCOUNTS SHALL BE BASED UPON THE NUMBER OF MOBILE HOME SPACES OCCUPIED ON JANUARY 1.

~~(2)~~(3) In no case shall the fee for disposal service exceed one-half the total fee for both collection and disposal services."

NEW SECTION. **Section 2.** Effective date. [This act] is effective July 1, 1989.

-End-

HB 0630/02

SENATE STANDING COMMITTEE REPORT

March 22, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 630 (third reading copy -- blue), respectfully report that HB 630 be amended and as so amended be concurred in:

Sponsor: Koehnke (Hammond)

1. Title, line 5.
Strike: "DETERMINATION"
Insert: "PAYMENT"

2. Title, lines 6 and 7.
Following: "PARKS;" on line 6
Strike: remainder of line 6 through "ON" on line 7

3. Title, lines 7 and 8.
Following: "~~SPACE~~" on line 7
Strike: remainder of line 7 through "1" on line 8
Insert: "REQUIRING THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK TO PAY THE FEE"

4. Page 1, line 15.
Strike: "Except" through "(2),"
Insert: "The"

5. Page 1, lines 23 and 24.
Following: "ACCOUNTS" on line 23
Strike: "SHALL"
Insert: "must"
Following: "BE" on line 23
Strike: remainder of line 23 through "1" on line 24
Insert: "paid by the registered owner of each mobile home in the mobile home park"

AND AS AMENDED BE CONCURRED IN

Signed: Ethel M Harding
Ethel M. Harding, Chairman

SENATE
HB 630

HOUSE BILL NO. 630

INTRODUCED BY KOEHNKE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO THE ~~DETERMINATION~~ PAYMENT OF SERVICE CHARGES FOR REFUSE DISPOSAL DISTRICT FEES FOR MOBILE HOME PARKS; BASING ~~THE FEE ON EACH OCCUPIED MOBILE HOME SPACE~~ THE NUMBER OF MOBILE HOME SPACES OCCUPIED ON JANUARY 1 REQUIRING THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK TO PAY THE FEE; ~~REQUIRING THE LESSEE OF THE SPACE TO PAY THE FEE~~; AMENDING SECTION 7-13-232, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-13-232, MCA, is amended to read:

"7-13-232. Determination of service charge. (1) ~~The~~ Except ~~as provided in subsection (2),~~ THE fees shall be based upon a family residential unit, and fees for commercial and industrial accounts shall be based on the comparison with a typical residential unit as to volume and type of waste produced.

(2) ~~In a mobile home park, the fee shall be based upon each occupied mobile home space and shall be paid by the individual lessee of the space;~~ FEES FOR MOBILE HOME PARK ACCOUNTS ~~SHALL~~ MUST BE ~~BASED UPON THE NUMBER OF MOBILE HOME~~ SPACES ~~OCCUPIED ON JANUARY 1~~ PAID BY THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK.

~~(2)~~(3) In no case shall the fee for disposal service exceed one-half the total fee for both collection and disposal services."

NEW SECTION. **Section 2.** Effective date. [This act] is effective July 1, 1989.

-End-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Darko, on February 14, 1989, at 3:05 p.m.

ROLL CALL

Members Present: All except:

Members Excused: Rep. Dave Brown

Members Absent: None

Staff Present: Lee Heiman, Legislative Council

Announcements/Discussion: None

HEARING ON HOUSE BILL 630

Presentation and Opening Statement by Sponsor: Rep. Francis Koehnke, District 32, stated that this bill would rectify a problem that trailer court owners have with being charged for waste disposal on unoccupied spaces.

Testifying Proponents and Who They Represent:

Lyndale Saltzman, Fireside Trailer Court
Lanny White, Mountain View Acres

Proponent Testimony:

Lynn Saltzman stated that the solid waste tax is being levied unfairly. They are required to pay $55 per trailer space for waste disposal. The owner of the trailer court is presently required to pay the tax and he felt that it should be levied against the owner of the trailer. The county has a built-in mechanism to collect such tax. The county uses a vacancy percentage of 15% and they are seldom at or below that 15% rate. He also presented testimony from Jerry and Muriel Reller of Goose Bay Marina. Exhibit 1

Lanny White stood in support of this bill. Exhibit 2

Testifying Opponents and Who They Represent: None

Opponent Testimony: None

Questions From Committee Members: Rep. Good asked Rep. Koehnke if the disposal rate varied, would the county have trouble

projecting income. Rep. Koehnke stated that might was true but the county is not having to provide any service for that fee being collected.

Rep. Hoffman asked Rep. Koehnke who is responsible for keeping track of the number of occupied spaces. Rep. Koehnke was unsure but the county clerk said that with the passage of this bill she would be responsible.

Rep. Wyatt asked Mr. Saltzman if there is any way to notify the county that those spaces are empty before the county truck gets to the trailer court. Mr. Saltzman stated that there is no need to notify the county since Mr. Saltzman does the hauling of the waste and not the county. They are paying a fee for using the dump not for the collecting of it.

Closing by Sponsor: Rep. Koehnke stated that the trailer court owner shouldn't be a tax collector. Trailers are required to get a sticker form the county before it can be moved so there is a built-in mechanism for collecting these taxes.

DISPOSITION OF HOUSE BILL 630

Motion: Rep. Wallin moved to TABLE HB 630. Rep. McDonough seconded.

Discussion: None

Amendments, Discussion, and Votes: None

Recommendation and Vote: The motion CARRIED with Rep. Hansen opposing.

HEARING ON HOUSE BILL 656

Presentation and Opening Statement by Sponsor:

Rep. Norm Wallin, District 78, explained that this bill would make city water charges collected the same way that the city sewer charges are now collected.

Testifying Proponents and Who They Represent:

Earl W. Bennett, Administrative Assistant, Flathead County
Gordon Morris, Montana Association of Counties
Alec Hansen, Montana League of Cities and Towns

Proponent Testimony:

Earl Bennett was in support of this bill and felt that it would be an asset to local governments especially when reissuing SID and RID bonds.

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

DATE 2/14/89

NAME	PRESENT	ABSENT	EXCUSED
BROOKE, VIVIAN	X		
BROWN, DAVE			X
BROWN, JAN	X		
DARKO, PAULA	X		
GOOD, SUSAN	X		
GOULD, BUDD	X		
GUTHRIE, BERT	X		
HANSEN, STELLA JEAN	X		
HOFFMAN, ROBERT	X		
JOHNSON, JOHN	X		
McDONOUGH, MARY	X		
NELSON, THOMAS	X		
REHBERG, DENNIS	X		
STICKNEY, JESSICA	X		
WALLIN, NORM	X		
WYATT, DIANA	X		

Form CS-30A
Rev. 1985

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

February 14, 1989

Mr. Speaker: We, the committee on Local Government report that House Bill 630 was tabled on this date.

Paula Darko

Rep. Paula Darko, Chairman

TRAILER COURT BOAT DOCKS MARINE SUPPLIES

GOOSE BAY MARINA

ON EAST SHORE OF CANYON FERRY

TOWNSEND, MONTANA

1
2/14/89
630

We have a marina on Canyon Ferry Lake which gives us about a five month season at best. We have 30 trailer spots and 60 R.V. spots. The county this year has set up up to pay roughly $1900.00 for solid waste, they are taxing us for every spot we have, even though they are used mostly on weekends only and at least half of the R.V. Spots aren't used except on the longer holiday weekends, so we feel we are being taxed unfairly for solid waste. We haul our garbage on a pickup with a rack and we make about 30 loads of garbage a year with it, so we feel the cost doesn't justify the useage. We don't feel we should have to pay on the R.V. spots anyway, as we already are paying as a business.

We think this tax should be put back on the owners of the R.V.'s and trailer houses and we should not have to be a tax collector. All of these owners are already paying solid waste tax somewhere at their place of residence. The small businesses in Montana are having a hard enough time keeping in business without this added to it.

Jerry & Muriel Reller
Goose Bay Marina

Exhibit 2
2/14/89
630

February 14, 1989

TESTIMONY ON HB630 PRESENTED BY LANNY WHITE, OWNER OF MOUNTAIN VIEW ACRES TRAILER PARK, TOWNSEND, MONTANA BEFORE THE LOCAL GOVERNMENT COMMITTEE.

ON MARCH 2, 1984, THE ATTORNEY GENERAL GAVE HIS OPIONION REGARDING REFUSE DISPOSAL DISTRICT FEES UNDER SECTIONS 7-13-231 THROUGH 7-13-232 MCA, THAT MOBILE HOME PARK OWNERS NOT THE INDIVIDUAL LESSEE OF THE TRAILER SPACE SHALL PAY THE FEE.

IT IS OUR FEELING THAT THE LESSEE PAY FOR HIS/HER OWN REFUSE DISPOSAL NOT THE MOBILE HOME PARK OWNER. AT THIS TIME THE PARK OWNER IS REQUIRED TO PAY THE REFUSE FEE WHETHER THE TRAILER SPACE IS RENTED OR NOT. FOR EXAMPLE, IN OUR CASE, WE HAVE 38 SPACES BUT ARE ONLY ABLE TO KEEP AROUND 20 RENTED. WE MUST PAY NOT ONLY FOR THESE THAT ARE RENTED BUT ALSO THE $55.00 YEARLY FEE PER SPACE FOR THE 18 SPACES THAT AREN'T EVEN OCCUPIED. THIS COSTS US 990 EXTRA DOLLARS PER YEAR FOR ABSOLUTELY NO ACCUMULATED GARBAGE.

THEREFORE, IF THE LESSEE PAID FOR THEIR OWN REFUSE DISPOSAL, ACTUAL ACCUMULATION WOULD BE PAID FOR INSTEAD OF PAYING THE TAX ON EMPTY SPACES. I MIGHT ADD THAT THIS COST IS JUST FOR THE LANDFILL DUMP; DOES NOT INCLUDE GARBAGE PICKUP, WHICH WE ARE RESPONSIBLE FOR.

I URGE THE MEMBERS OF THIS COMMITTEE TO VOTE "DO PASS" ON HB630.

BROADWATER COUNTY
TREASURER'S OFFICE
P.O. BOX 459
TOWNSEND, MONTANA 59644
PHONE 266-3445 OR 266-3404

10/19/87

1987 REAL PROPERTY TAX NOTICE

PROPERTY DESCRIPTION/LOCATION		
7000532	39.437 A TRACT IN S2	29 7N 2E

TAX ITEM	TAXABLE VALUE		MILL LEVY	TOTAL TAX	1ST HALF	2ND HALF
				981.31	490.66	490.
RURAL 7	4765	~~5.224~~	205.94	~~1,075.83~~	~~537.92~~	~~537.91~~
HOSPITAL DEBT SERVICE	4765	~~5.224~~	23.21	110.60 ~~121.25~~	55.30 ~~60.63~~	55.30 ~~60.62~~
HOSPITAL DISTRICT	4765	~~5.224~~	0.96	4.57 ~~5.02~~	2.29 ~~2.51~~	2.28 ~~2.51~~
SOIL CONSERVATION	4765	~~5.224~~	1.50	7.15 ~~7.84~~	3.58 ~~3.92~~	3.57 ~~3.92~~
SOLID WASTE				680.00	340.00	340.00
TOTAL ALL TAXES				~~1,888.94~~ 1783.63	~~944.98~~ 891.83	~~944.~~ 891.

INTEREST COMPUTED TO 12/04/87

DELINQUENT TAXES YEAR	AMOUNT
6	915.80

THE FIRST PAYMENT IS DUE NO LATER THAN NOVEMBER 30TH OF EACH YEAR. THE SECOND PAYMENT IS DUE NO LATER THAN MAY 31ST OF EACH YEAR.

IF THIS TAX BECOMES DELINQUENT, IT IS SUBJECT INTEREST OF 10% PER YEAR AND A PENALTY OF 2%.

Reduced 11/17/87 JB

FIRST INSTALLMENT
PAID
NOV 20 1987
BROADWATER COUNTY
Treasurer
By _____ Deputy

TREASURER'S OFFICE
P.O. BOX 489
TOWNSEND, MONTANA 59644
PHONE 266-3445 OR 266-3404

10/28/88

1988 REAL PROPERTY TAX NOTICE

PROPERTY DESCRIPTION/LOCATION

7000532

39.437 A TRACT IN S2 29 7N 2E
43-1591-29-3-03-01

TAX ITEM	TAXABLE VALUE	MILL LEVY	TOTAL TAX	1ST HALF	2ND HALF
JRAL 7	4,765	227.12	1,082.23	541.12	541.11
SOIL CONSERVATION	4,765	1.50	7.15	3.58	3.57
SOLID WASTE			1,870.00	935.00	935.00
TOTAL ALL TAXES			2,959.38	1,479.70	1,479.68

NTEREST COMPUTED TO 12/05/88

DELINQUENT TAXES YEAR	AMOUNT

THE FIRST PAYMENT IS DUE NO LATER THAN NOVEMBE 30TH OF EACH YEAR. THE SECOND PAYMENT IS DUE NO LATER THAN MAY 31ST OF EACH YEAR.

IF THIS TAX BECOMES DELINQUENT, IT IS SUBJECT INTEREST OF 10% PER YEAR AND A PENALTY OF 2%.

VISITORS' REGISTER

Local Government COMMITTEE

BILL NO. 630 DATE 2/14/89

SPONSOR Kochuke

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Lanny White	MT. View Acres	✓	
BARBARA White	" "	✓	
Mary Saltzman	Fireside TR. Court	✓	
Lyndale Saltzman	Fireside TR. Court	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Rep. Hoffman's concern with the bill was that county commissioners would begin charging for services that have been free in the past.

Rep. Guthrie stated that this is a plea on the part of counties to be reimbursed for out of pocket costs.

Rep. Darko stated that there is a possibility of discontinuance of services if the counties are not going to be able to charge for them. There is a hearing process that is available before the fees are set.

Amendments, Discussion, and Votes: Rep. Jan Brown moved to amend the bill. Rep. Wyatt seconded. The motion CARRIED with Reps. Good, Rehberg, Guthrie and Gould opposing.

Recommendation and Vote: Rep. Jan Brown moved HB 549 DO PASS AS AMENDED. Seconded by Rep. Stickney. Roll call vote was taken. The motion CARRIED 9 to 7.

DISPOSITION OF HOUSE BILL 630

Hearing Date: February 14, 1989. The bill was TABLED. Rep. Dave Brown asked to reconsider the bill and amend it.

Motion: Rep. Dave Brown moved to reconsider HB 630. Seconded by Rep. Rehberg. The motion CARRIED unanimously. Rep. Dave. Brown moved HB 630 DO PASS. Rep. Rehberg seconded.

Discussion: Rep. Brown proposed amendments that would strike subsection 2 on line 19 through 21 and the appropriate place in the title and insert language that says basically that the fee would be based on the number of mobile home spaces occupied on January 1.

Rep. Hoffman asked if the mobile home owners pays the fee. Rep. Brown responded affirmatively. Rep. Nelson asked if it was a landfill fee. Rep. Brown said "yes".

Amendments, Discussion, and Votes: Rep. Dave Brown moved to amend HB 630 according to the amendments he passed out. Seconded by Rep. Rehberg. The vote to amend CARRIED unanimously.

Recommendation and Vote: Rep. Dave Brown moved DO PASS AS AMENDED. Rep. Rehberg seconded. The vote CARRIED unanimously.

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

DATE 2/16/89

NAME	PRESENT	ABSENT	EXCUSED
BROOKE, VIVIAN	X		
BROWN, DAVE	tardy		X
BROWN, JAN	X		
DARKO, PAULA	X		
GOOD, SUSAN	X		
GOULD, BUDD	X		
GUTHRIE, BERT	X		
HANSEN, STELLA JEAN	X		
HOFFMAN, ROBERT	X		
JOHNSON, JOHN	X		
McDONOUGH, MARY	X		
NELSON, THOMAS	X		
REHBERG, DENNIS			X
STICKNEY, JESSICA	X		
WALLIN, NORM	X		
WYATT, DIANA	X		

Form CS-30A
Rev. 1985

STANDING COMMITTEE REPORT

February 17, 1989

Mr. Speaker: We, the committee on Local Government report that HOUSE BILL 630 (first reading copy -- white) do pass as amended .

Signed: _____
Paula Darko, Chairman

And, that such amendments read:

1. Title, lines 7 and 8.
Strike: "REQUIRING" on line 7 through "FEE;" on line 8

2. Page 1, lines 19 through 21.
Strike: "In" on line 19 through "space." on line 21
Insert: "Fees for mobile home park accounts shall be based upon the number of mobile home spaces occupied on January 1."

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

February 16, 1989

Mr. Speaker: This bill was tabled by the Local Government Committee on February 14, 1989. On February 16, the committee voted to reconsider the bill. The committee now recommends HB 630 DO PASS AS AMENDED.

Paula A. Darko

Rep. Paula Darko, Chairman

as well as his $2,000. Senator Beck said simply stated, the deputies salary will be based on the sheriff's base pay plus $2,000. Connie Erickson said that is correct. Linda Stoll-Anderson asked that language on page 5 be inserted on page 2 on line 20. Gordon Morris stated that in case of a salary freeze you freeze salary and forego longevity. Also you have lost the 1% increment during a freeze also. Another thought is that this bill should be coordinated with SB 370 by way of the fact that this bill was passed to reinstate COLA and longevity for the county attorneys and the deputy sheriffs so this bill should coordinate with that bill.

Senator Harding stated that by taking the language on page 5 line 1, but years of service through line 4, put that on page 2, line 20.

Senator Vaughn asked about the $2,000. Gordon Morris stated if you refer to Title 7 the sheriff's salary is used to determine the undersheriff's and deputy's salaries. Connie Erickson will prepare the amendments that will clarify and coordinate the sheriff's salary with other elected officials, such as the county attorney.

Amendments and Votes: Senator Beck MOVED that we AMEND HB 440 as discussed. The VOTE was UNANIMOUS in FAVOR of these amendments.

Senator Beck MOVED that we add a COORDINATION CLAUSE with HB 370. The VOTE was UNANIMOUS in FAVOR of this MOTION.

Recommendation and Vote: Senator Thayer MOVED that we DO CONCUR AS AMENDED in HB 440. The VOTE was UNANIMOUS in FAVOR of HB440 AS AMENDED. Senator Walker will carry HB 440 to the Senate floor.

HEARING ON HOUSE BILL 630

Presentation and Opening Statement by Sponsor:
Representative Francis Koehnke, house district 32, Townsend, stated HB 630 revises the law of who should pay the refuse disposal district fee for mobile home parks. Park owners are charged a certain percent of the spaces they own. They can be paying for empty spaces. Then the House amended the bill to be the occupied spaces as of January 1. They said that really wasn't fair either and ask that this Senate Committee straighten this matter out.

List of Testifying Proponents and What Group they Represent:

Pete Frazier, Great Falls City Co. Health Dept.
Glen Decker, Great Falls, selves
Kathleen Decker, Great Falls, selves
Judy Doggett, Broadwater County
Ray Doggett, Broadwater County
Will I. Selser, Helena, Mt.
Lanny White, Townsend, MT
Mary Saltzman, Townsend, Mt.
Lynndale Saltzman Townsend, MT

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Pete Frazier, read his testimony into the record. See exhibit 1. He offered an amendment to correct the problems, streamline the system, and be fair to everyone. His amendment is as follows: On page 1 delete line 6 starting with the word "basing" and of lines 7 and 8. In its place add "fee to be paid by the registered owner of each mobile home in the mobile home park."

Glen Decker said that HB 630 has been introduced to correct misapplication of County Refuse Disposal Fees. See exhibit 2. He supports HB 630.

Lanny White talked about the Attorney General's opinion in 1984 stated park owners would pay the refuse district fee for their mobile home park. He believes that the lessee pay for their own charge for this. For example, they have 38 spaces and 20 rented. He asked for a do pass on this bill.

Lynn Saltzman stated he has a similar situation. He picks up and hauls his garbage and he was charged $55.00 for each spot for the dump area and his operation had to absorb that cost. He paid $894.00 taxes on his park and then he pays $800.00 per year garbage tax and haul his own parks garbage. This situation needs to be put on the individual trailer home.

Judy Doggett, Clerk and Recorder of Broadwater County, is here in support of HB 630 as amended.

Questions From Committee Members: Senator Pinsoneault asked why don't you add the cost onto the price of the renting of the lot? A park owner answered that there are many empty spots a good part of the time and it's

difficult to add more than they are presently charging.

Senator Crippen stated Glenn Decker is asked to pay $38.00 for something that he does not get.

Mary Saltzman is part owner of a trailer court and she says tacking the fee for the land fill onto the cost of the rent makes the court owners tax collectors. She just owns the land, the person sets their trailer on her land and the government makes her pay the garbage tax. That is not fair at all. The people who own the trailer home have to pay property tax, so why not add that tax on the same bill?

Senator Pinsoneault asked what if people want to pay for their own garbage removal. Mary Saltzman answered the hauling isn't the issue, it's paying for the land fill and covering the garbage. They get charged $800 per year just to use the dump, the landfill and everyone has to use it. You can't leave garbage sitting in the yard, so everyone in the county is forced to use the landfill. If I own the house, and I rent the house out, then I should pay the landfill fee. But people who own their own home should pay their garbage tax.

Senator Beck said one thing about the amendment is on the units in your court. Rep. Koehnke said that the way it was proposed in the house was for the lessee of the lot to pay the assessment. He feels the easiest way administratively is for whoever pays the taxes on that trailer house, should pay the disposal of the refuse coming out of that trailer house.

Senator Walker stated that what they have done is owning a trailer home is almost like owning your home, but being in a park they're treating it different. In a condo you pay those fees yourself.

Senator Thayer asked Pete Frazer if the mobile homes have been informed of this legislation. And Mr. Frazer said yes they had written all park owners. Sen. Thayer asked if Mr. Frazer's amendments were the only ones? He said his was the only one he was aware of.

Senator Hammond asked if you own a trailer house should you pay your landfill tax? Yes, that is what we're trying to accomplish. Presently the park owner has to pay that tax.

Senator Beck asked if they plan to lower the rent if this bill goes through? A park owner answered that he charges $70 per month and furnishes water, sewer and

electrical hookups. I unplug their sewers for no charge. This is a small business trying to survive. He cleared $4500 on his mobile home park this year. It's hard to keep raising rent to cover all the taxes and make a good profit.

Senator Beck asked Judy Doggett to explain your reasoning. I have been in on this bill from the beginning. She thinks it's an additional burden to mobile park owners to have to pay a fee on refuse disposal whether or not someone is parked there. Trailers move in and out of courts. Judy Doggett sees it as more equitable to put the fee on the mobile home owner. He said the way the bill came from the house, it is not all the homes paying for this, just a percentage. Judy Doggett favors the Frazer amendment.

Senator Crippen asked when solid waste fees are assessed. Judy Doggett answered January 1. Mobile home taxes are May and September. The mobile home park may be quite empty on January 1 so the county would pick up more taxes by charging the mobile home owners on their tax bill in May and September. It would be on any mobile home in the county and where they rent their lot would not matter to the county.

Senator Pinsoneault asked Judy Doggett if they have a control of mobile homes coming and going? No. Judy Doggett mentioned that mobile homes can not be moved without a moving deck, so you catch them at that time, when they decide to move out.

Senator Thayer stated that if mobile home owners have to pay their taxes, they can pay this assessment at the same time. What is wrong with that? What difference does it matter were he parks?

Senator Beck asked if you get a discount rate as a unit on solid waste collection? If I have 38 units, I pay for 75% of the spaces, rather than $100%. Senator Thayer's point is what does it matter where they are parked, so they pay their taxes wherever they are.

Senator Harding stated this amendment would put the burden on the owner of the mobile home. They would pay their garbage tax when they pay their personal property tax.

Senator Vaughn stated they assess it now on the property owners. She said if you own a house you pay it.

Closing by Sponsor: Rep. Koehnke stated that the House was

afraid a mobile home would come and go and the mobile park owner would be there to collect the tax. He approves of the Frazier amendment. Thank you. He didn't have anyone he wanted to carry this bill.

DISPOSITION OF HOUSE BILL 630

Discussion: Senator Beck asked if this was government rule making authority? Senator Walker said not when the attorney general makes a decision like that. Connie Erickson stated that the A.G.'s opinion that this is the responsibility of the parks is followed. Senator Walker stated an attorney general's opinion sets a president until challenged in court.

The fees are attached to the property tax notices. Senator Beck stated this is for a solid waste district, and when he helped set it up they had the discretion of describing a family unit, household, trailer court, motel, for anything. He wonders why they need this in the codes, versus the rule making authority of the local government. Senator Walker stated they assessed it on the homes until the A. G.'s opinion. R.V. courts are another matter.

Senator Harding stated that this law with this amendment would attach the refuse fee to the mobile home rather than to the park. He's asking why wouldn't the county commissioners do this if they had a complaint on it. The commissioners should do that automatically.

Senator Vaughn stated that mobile home parks allow some slots open for R.Vs. Whose responsible for those? Connie Erickson explained that section 7-13-231 in subsection 2 says the fee shall be assessed to all units the district that are receiving service for the purpose of maintenance and operation of said district. Some of the problem might be determination of a trailer being a residential unit.

Senator Beck said there is a distinction between personal property and real property.

Senator Crippen asked how do you handle the camp grounds of America? The percentage is used.

Senator Harding that it makes sense that the mobile home owner should pay for his refuse. She thinks they should pay their refuse tax when they pay their personal property tax. The same as someone who owns their own home.

Senator Crippen says this amendment doesn't say that. Senator Thayer agreed with Senator Crippen that the amendment should be rewritten that says that the responsibility for the refuse fee shall be paid at the time personal property taxes are paid. Don't say anything about mobile home parks. Senator Crippen says on the parks it takes care of all kinds of vehicles.

Senator Walker asked if there is a definition of a mobile home in the law? Connie Erickson wasn't certain.

Senator Harding thinks the amendment should be written to say they pay that fee 1 time a year. That would be fair and not assess the mobile home park. Senator Crippen likes the bill the way it is.

Senator Beck said he didn't know what the occupancy was over a years time and what they would have on January 1. They are collecting this fee presently, and if they aren't they are poor business people. They have a better handle on whose there and who is not.

Senator Vaughn stated there are parks where there are a lot of empty spaces and when they assess each mobile home that comes in.

Senator Walker mentioned a fee schedule. Senator Thayer said if we amended it to read to be paid by each registered owner of a mobile home and strike in the mobile home park, it doesn't say anything about the park or RVs or anything. That would solve the problem we're discussing.

Senator Harding says if that fee was attached to that mobile home owner that would take care of this bill. Senator Crippen talked about an apartment house that is 50% occupied and he's paying refuse tax on that. Senator Walker said the difference is that you have a building on it and in a mobile home park it is a vacant lot. When a tenant is gone he's not making any garbage either.

Senator Boylan stated that the A G's ruling must apply to this and we should go back and see what he said. The person who mentioned this said the ruling was in 84.

Amendments and Votes: None

Recommendation and Vote: None

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

51th LEGISLATIVE SESSION -- 1989 Date March 14, 198

NAME	PRESENT	ABSENT	EXCUSED
Sen. Ethel Harding	X		
Sen. R.J. "Dick" Pinsoneault	X		
Sen. Tom Beck	X		
Sen. Eleanor Vaughn	X		
Sen. H.W. "Swede" Hammond	X		
Sen. Mike Walker	X		
Sen. Gene Thayer	X		
Sen. Paul Boylan	X		
Sen. Bruce D. Crippen	X		

Each day attach to minutes.

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 1
DATE March 14, 1989
BILL NO. HB630

TESTIMONY TO AMEND HB630

MADAM CHAIRMAN AND COMMITTEE MEMBERS, FOR THE RECORD MY NAME IS PETE FRAZIER, DIRECTOR OF ENVIRONMENTAL HEALTH WITH THE CITY-COUNTY HEALTH DEPARTMENT IN CASCADE COUNTY. AS PART OF MY DUTIES I ALSO SERVE AS DIRECTOR OF THE CASCADE COUNTY SOLID WASTE DISPOSAL DISTRICT AND HAVE SERVED AS SUCH SINCE THE DISTRICT'S CREATION 18 YEARS AGO.

AS YOU MAY BE AWARE, SOLID WASTE DISPOSAL DISTRICTS ARE FUNDED BY A SOLID WASTE ASSESSMENT ON EACH HOUSEHOLD AND BUSINESS WITHIN THE DISTRICT BOUNDARIES, WHICH IS COLLECTED WITH THE COUNTY TAXES IN NOVEMBER OF EACH YEAR. NATURALLY MOBILE HOMES ARE CONSIDERED AS HOUSEHOLDS AND ASSESSED THE SAME ASSESSMENT AS ANY OTHER HOUSE. HOWEVER, THERE HAS NEVER BEEN A WELL DEFINED METHOD FOR ASSESSING MOBILE HOMES LOCATED WITHIN MOBILE HOME PARKS. FOR MANY YEARS, MOST REFUSE DISPOSAL DISTRICTS ASSESSED THE OWNER OF EACH MOBILE HOME WITHIN A MOBILE HOME PARK THE REFUSE DISPOSAL DISTRICT ASSESSMENT. HOWEVER, SEVERAL YEARS AGO AN ATTORNEY GENERAL'S OPINION WAS RENDERED WHICH INDICATED THAT THE REFUSE DISPOSAL DISTRICT ASSESSMENT SHOULD BE ASSESSED AGAINST THE OWNER OF THE MOBILE HOME PARK, RATHER THAN THE OWNER OF EACH MOBILE HOME WITHIN THE PARK. THIS OPINION CREATED BOTH AN UNFAIR SITUATION FOR MOBILE HOME PARK OWNERS AS WELL AS A DIFFICULT SITUATION FOR REFUSE DISPOSAL DISTRICTS ADMINISTRATIVELY. IT IS UNFAIR SINCE THROUGHOUT THE DISTRICT OTHER MOBILE HOME OWNERS LOCATED OUTSIDE MOBILE HOME PARKS PAY THE REFUSE DISPOSAL ASSESSMENTS, BUT MOBILE HOME OWNERS LOCATED IN A MOBILE HOME PARK DO NOT HAVE TO PAY, SINCE THE OWNER OF THE PARK THEY RESIDE IN MUST PAY FOR THEM. IN LARGER MOBILE HOME PARKS THIS OFTEN MEANS A MOBILE HOME PARK OWNER MUST PAY SEVERAL THOUSAND DOLLARS EACH YEAR. IT SEEMS MORE APPROPRIATE TO HAVE THE PEOPLE PRODUCING THE GARBAGE (MOBILE HOME OWNERS) PAY FOR THE DISPOSAL OF THEIR GARBAGE RATHER THAN THE MOBILE HOME PARK OWNERS.

HB630 WAS INTRODUCTED, I BELIEVE, TO RECTIFY THESE PROBLEMS. HOWEVER, IN ITS PRESENT FORM THE PROBLEMS REMAIN AND THE BURDEN STILL RESTS WITH THE MOBILE HOME PARK OWNER TO PAY THE REFUSE DISPOSAL DISTRICT FEE FOR EACH MOBILE HOME IN HIS PARK ON JANUARY 1 OF EACH YEAR. IN ADDITION HB630 ADDS AN ADDED RESPONSIBILITY TO THE REFUSE DISPOSAL DISTRICT TO COUNT EACH MOBILE HOME IN EACH MOBILE HOME PARK IN THEIR DISTRICT EACH YEAR -- A VERY TIME CONSUMING JOB IN BOTH COUNTING AND IN UPDATING ASSESSMENT ROLL RECORDS AS THE NUMBERS CHANGE FOR EACH MOBILE HOME PARK EACH YEAR.

THEREFORE, I HAVE PROPOSED AN AMENDMENT TO HB630, A COPY OF WHICH YOU HAVE BEFORE YOU, WHICH I BELIEVE WILL CORRECT THE PROBLEMS, STREAMLINE THE SYSTEM, AND BE FAIR TO EVERYONE. MY AMENDMENT IS AS FOLLOWS:

ON PAGE 1 DELETE LINE 6 STARTING WITH THE WORD "BASING" AND ALL OF LINES 7 AND 8. IN ITS PLACE ADD "FEE TO BE PAID BY THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK."

ON PAGE 1 DELETE LINE 23 STARTING WITH THE WORD "BASED" AND LINE 24. IN ITS PLACE ADD "PAID BY THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK."

I URGE THE COMMITTEE TO ADOPT HB630 WITH THE ABOVE NOTED AMENDMENTS. THANK YOU.

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 630

INTRODUCED BY KOEHNKE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO THE DETERMINATION OF SERVICE CHARGES FOR REFUSE DISPOSAL DISTRICT FEES FOR MOBILE HOME PARKS; ~~BASING THE FEE ON EACH OCCUPIED MOBILE HOME SPACE~~ THE NUMBER OF MOBILE HOME SPACES OCCUPIED ON JANUARY 1; REQUIRING THE PAYMENT OF THE SPACE TO PAY THE FEE; AMENDING SECTION 7-13-232, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-13-232, MCA, is amended to read:

"7-13-232. Determination of service charge. (1) The Except as provided in subsection (2), fees shall be based upon a family residential unit, and fees for commercial and industrial accounts shall be based on the comparison with a typical residential unit as to volume and type of waste produced.

~~(2) In a mobile home park, the fee shall be based upon each occupied mobile home space and shall be paid by the individual lessee of the space;~~ FEES FOR MOBILE HOME PARK ACCOUNTS SHALL ~~BE BASED UPON THE NUMBER OF MOBILE HOME SPACES OCCUPIED ON JANUARY 1~~

~~(2)~~(3) In no case shall the fee for disposal service

Proposed Amendments Below

exceed one-half the total fee for both collection and disposal services."

NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1989.

-End-

Delete line 6 starting with "basing" and lines 7 & 8.

ADD--"FEE TO BE PAID BY THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK."

Delete line 23 starting with "based" and line 24.

ADD--"PAID BY THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK."

SECOND READING

3-14-89

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 2
DATE March 14, 1989
BILL NO. HB 630

RIVERSHORE
Mobile Home Court
3308 Lower River Road
Great Falls, MT 59404
(406) 453-8963

MARCH 1, 1989

Local Government Committee
Montana State Senate

Sub: House Bill 630

LADIES &
Gentlemen:

House Bill 630 has abeen introduced to correct misapplication of County Refuse Disposal fees with regard to rural mobile home courts. Although the law clearly states the fee will be charged against family units, defined as the residence of a single family, the former Attorney General held that the fee would be the responsibility of the owner of the land which the mobile home court occupies. House Bill 630 would correct the Attorney General's opinion so that each mobile home owner would pay the assessment along with the annual payment of his mobile home property tax.

However, there is more to the problem than misapplication of fees. The County does not provide for the collection of refuse, so the mobile home park owner must hire a private collection service to collect and dispose of the refuse. In the case of rural courts near Great Falls, this service is provided by Green's disposal service. Because Green's truck contains City refuse as well as County refuse, he is not allowed to use the County land fill. In fact, he uses his own land fill, so that court residents are charged for a service, use of the County land fill, they are unable to use.

Green charges $12.28 per year for collection and disposal of refuse, compared to the County's charge of $38.00 for use of its land fill only. The Bill should contain a provision allowing the resident to "opt out" of the district to avoid paying double for a service, as City residents are allowed to do.

Sincerely Yours,

Glenn W. Decker
3124 Lower River Road
Great Falls, MT 59405
Ph. 761-0362

HB 630
3/14/89

Senator Ethel Harding
Senate Local Government committee
State Senate
Capitol

Dear Senator Harding & Committee Members
as a Mobile Home Court owner in Cascade county. I wish to express my opposition to HB 630 in the present form & to indicate my support for amending this bill so that payment of refuse Disposal district fees are made by the Mobile Home owner, rather than the Mobile court owner. It is my understanding that such an amendment is being prepared & I fully support such an amendment. since I do not feel it right to make the whole Home Trade owner pay for the disposal of the garbage from the mobile homes within my court. The people that produce the garbage should pay for the disposal of there own garbage! not me. Please pass HB 630 with with the amendment

Thank you

Sincerely,
Emery Batta (owner)
Home Trailer Court

HB 630
3/14/89

To: Senators
Gene Thayer - Mike Walker
Loak Galt - Richard Manning
Daryl Meyer - Larry Noble

Subject: Amendment to House Bill 630

I am for the amendment to H.B 630 to require that each owner or family must pay their own taxes or assessment.

When no services are provided by the county, "Pick up of solid waste", then no one should be assessed or charged for a service not rendered.

Garbage is being picked up by "Green" and taken to their own disposal site and I am paying Green for their services.

Thank You

Larry F. Lemmon
Trailer Court 150
Great Falls Mt.
59405

place, the existing businesses are automatically grandfathered in. Mona Jamison stated she believed that to be true. C. Erickson stated there was a case in Helena where they tried to do that and couldn't. Mona Jamison said it's in "non-conforming use".

Senator Harding asked Gordon Morris if existing ranges are already protected? Gordon Morris stated that he testified that a shooting range cannot be zoned out of existence, due to the non-conforming use statute, which I sighted. That statute states that if there is a zoning change that puts them into conflict with the way it's being redefined for zoning purposes, the non-conforming use statute applies and they can stay there as long as they like. They are protected. They can't be zoned out of existence. Senator Walker stated condemnation laws have been used a time or two. Gordon Morris stated that is a different matter.

Senator Beck asked why are local governments so concerned? Gordon Morris stated we can apply nuisance statutes, we can apply other environmental conditions and we can require them to relocate, but at no personal cost to themselves and at no personal cost to the county.

Recommendation and Votes: Senator Pinsoneault MOVED that we DO NOT CONCUR in HB 244. The VOTE was 6 in FAVOR of the MOTION to DO NOT CONCUR in HB 244. Senators Walker, Thayer and Harding VOTED AGAINST the MOTION to DO NOT CONCUR. The motion carried 6 for, and 3 against.

EXECUTIVE ACTION ON HOUSE BILL 630

Discussion: Connie Erickson explained this bill was sponsored by Representative Koehnke regarding the refuse disposal fees for mobile homes parks. Currently the fees are paid by the park owners. This bill would revise the charges for the refuse disposal to the individual owners of the mobile homes themselves. The park owners proposed an amendment to page 1, line 23 strike the phrase "base upon the number of mobile homes spaces occupied on January 1," and insert "paid by the registered owner of each mobile home in the mobile home park." She explained that the title is also amended to agree. See exhibit 1. Connie Erickson stated she researched the attorney general's opinion, and the basis for that opinion was the fact that the whole chapter that has to do with refuse disposal districts refers to real property and that's why he decided that the fees had to be paid by the mobile home park and not the owner of the mobile home. Because mobile homes are

personal property not real property.

Amendments and Votes: Senator Hammond MOVED that we ACCEPT THE AMENDMENTS as outlined in exhibit 1.

Senator Hammond stated it seemed reasonable that when they pay their taxes on their home they should pay their refuse disposal the same as anyone else. This way each will pay their share. Senator Hammond said in Malta they designated 2 blocks in the city that covenant that those lots are for mobile homes. Those people all pay for the refuse disposal district when they pay their taxes, and those in mobile home parks should do that also.

Senator Harding asked Gordon Morris if there is a problem with this bill. Gordon Morris said that commissioners determine the cost of their refuse disposal system by the per unit in the district and that can vary. According to the A. G.'s opinion a park owner is a single unit and should pay only for 1 and Broadwater County is counting homes in the park and charging. Gordon Morris said the park owner could pass the fees on to the home owner, the same as an apartment owner. He thinks it's a problem stipulating each mobile home in a mobile home park.

Senator Hammond said the testimony said that they counted the homes in the park and charged on a percentage of that. G. Morris stated that is contrary to the A. G.'s opinion. He says the A. G.'s opinion states very clearly that the parks have to be treated as a single unit. Senator Hammond said this bill will supercede the A. G.'s opinion. Senator Harding stated that is the objection to it, because the refuse disposal districts are saying how are you going to monitor this?

Connie Erickson asked if the fees from district to district are different? Gordon Morris answered that you develop a refuse district budget for the coming fiscal year, then you divide that by the units you have, and that determines each charge. Would this apply in cities? Refuse disposal district are non-municipal in nature. Senator Beck thought refuse disposal districts included everybody, including municipalities. It can. Connie Erickson said if we do this it will only be mobile homes in a mobile home park. Senator Beck said he would rather see it mobile homes in a refuse disposal district, not necessarily in a mobile home park. Outside of the parks are already covered in another statute.

The VOTE to ACCEPT the AMENDMENTS was UNANIMOUS. The amendments carried.

Recommendation and Votes: Senator Hammond MOVED that we DO CONCUR AS AMENDED in HB 630. The VOTE was UNANIMOUS in FAVOR of HB 630 AS AMENDED.

ADJOURNMENT

Adjournment At: 2:00 p.m.

Ethel M Harding

SENATOR ETHEL M. HARDING, Chairman

EMH/dh

Minutes.321

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

51th LEGISLATIVE SESSION -- 1989 Date March 2

NAME	PRESENT	ABSENT	EXCUSED
Sen. Ethel Harding	X		
Sen. R.J. "Dick" Pinsoneault	X		
Sen. Tom Beck	X		
Sen. Eleanor Vaughn	X		
Sen. H.W. "Swede" Hammond	X		
Sen. Mike Walker	X		
Sen. Gene Thayer	X		
Sen. Paul Boylan	X		
Sen. Bruce Crippen	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

March 22, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 630 (third reading copy -- blue), respectfully report that HB 630 be amended and as so amended be concurred in:

Sponsor: Koehnke (Hammond)

1. Title, line 5.
Strike: "DETERMINATION"
Insert: "PAYMENT"

2. Title, lines 6 and 7.
Following: "PARKS;" on line 6
Strike: remainder of line 6 through "ON" on line 7

3. Title, lines 7 and 8.
Following: "~~SPACE~~" on line 7
Strike: remainder of line 7 through "1" on line 8
Insert: "REQUIRING THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK TO PAY THE FEE"

4. Page 1, line 15.
Strike: "Except" through "(2),"
Insert: "The"

5. Page 1, lines 23 and 24.
Following: "ACCOUNTS" on line 23
Strike: "SHALL"
Insert: "must"
Following: "BE" on line 23
Strike: remainder of line 23 through "1" on line 24
Insert: "paid by the registered owner of each mobile home in the mobile home park"

AND AS AMENDED BE CONCURRED IN

Signed: Ethel M. Harding

Ethel M. Harding, Chairman

3-22-89

Amendments to House Bill No. 630
Third Reading Copy

For the Senate Committee on Local Government

Prepared by Connie Erickson
March 21, 1989

1. Title, line 5.
Strike: "DETERMINATION"
Insert: "PAYMENT"

2. Title, lines 6 and 7.
Following: "PARKS;" on line 6
Strike: remainder of line 6 through "ON" on line 7

3. Title, lines 7 and 8.
Following: "~~SPACE~~" on line 7
Strike: remainder of line 7 through "1" on line 8
Insert: "REQUIRING THE REGISTERED OWNER OF EACH MOBILE HOME IN THE MOBILE HOME PARK TO PAY THE FEE"

4. Page 1, line 15.
Strike: "Except" through "(2),"
Insert: "The"

5. Page 1, lines 23 and 24.
Following: "ACCOUNTS" on line 23
Strike: "SHALL"
Insert: "must"
Following: "BE"
Strike: remainder of line 23 through "1" on line 24
Insert: "paid by the registered owner of each mobile home in the mobile home park"